

Notice of Allowability

Application No.

09/945,083

Examiner

Kamran Emdadi

Applicant(s)

DE AZEVEDO ET AL.

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8-3-05.
2. ☒ The allowed claim(s) is/are 1-16, 18, 20-22, 24-28 and 30-31 (renumbered as 1-27).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Notice of Allowability

Claims 1-16, 18, 20-22, 24-28, 30 and 31 are pending in the present application.

Allowable Subject Matter

Claim 1-16, 18, 20-22, 24-28, 30 and 31 are allowed. The previous office action dated April 25, 2005 included reasons for allowance of claims 1-16, 30 and 31, and further included objections to claims 18, 20-22 and 24-28 for containing allowable subject matter. The Examiner notes that the Applicant has amended claims 18, 20-21 and 24 to include the allowable subject matter of claims 17, 19, 23 and 29. The Applicant's amendments thus place the application in condition for allowance.

The following statements indicate the reasons for allowance. The closest prior art Banker et al. (U.S. Patent No. 6,426,947) performs an automatic topology discovery mechanism that uses a broadcast probe to learn network node information. Banker does not disclose sending a probe from a new node as recited in independent claims 1, 16, 18, 20-21, 24 and 30-31. A second reference Oppenheimer was applied previously to reject certain claims, however, Oppenheimer and Banker taken individually or in combination do not teach certain features recited in each of the currently pending independent claims, as noted below.

Regarding claim 1, none of the cited references taken individually or in combination, teach or suggest all of the features recited in steps (a)-(k).

Regarding claims 2-16, these claims are allowed by virtue of their dependency on claim 1.

Regarding claim 18, step (g), in combination with the other claimed features, recites features that are novel over the prior art cited to record.

Regarding claims 20-21, the suspending operation), in combination with the other claimed features, recites features that are novel over the prior art cited to record.

Regarding claim 22, this claim is allowed by virtue of dependency on claim 21.

Regarding claim 24, steps (f-g), particularly, "incrementing the current processor...with the current processor number in all other nodes that have not yet replied with a discovery initiation packet", in combination with the other claimed features, recites features that are novel over the prior art cited to record.

Regarding claims 25-28, these claims are allowed by virtue of dependency on claim 24.

Regarding claim 30 none of the cited references taken individually or in combination, teach or suggest all of the features recited in steps (a)-(h).

Regarding claim 31 none of the cited references taken individually or in combination, teach or suggest all of the features recited in steps (a)-(j).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is 571-272-6047. The examiner can normally be reached on M-F between the hours of 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kamran Emdadi

August 31, 2005

KWANG BIN YAO
PRIMARY EXAMINER
